

REMARKS

I. Status

The Office Action indicates claims 1-23, 48-70, 95, and 96 to be pending in this Application. With this response, claims 48-70, 95, and 96 are amended. No new matter has been added.

Claims 1-3, 6-16, 19-22, 48-50, 53-63, 66-69, 95, and 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson (U.S. Patent No. 6,269,369).

Claims 17, 23, 64, and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson in view of Tsou (U.S. Application No. 2002/0184089).

Claims 18 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson in view of Young (U.S. Patent No. 7,024,690).

Claims 4 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson in view of Bieganski (U.S. Patent No. 6,412,012).

Claims 5 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson in view of Spooner (U.S. Application No. 2005/0034099).

Claims 1, 48, 95, and 96 are independent.

II. Rejection of Independent Claims 1, 48, 95, and 96 under 35 U.S.C. 103

The Office Action rejects claims 1, 48, 95, and 96 under 35 U.S.C. 103(a) as being unpatentable over Robertson.

However, Applicants respectfully submit that Robertson fails, for example, to disclose, teach, or suggest:

“... determining, at the first hand-held device, a match between the data received at the first hand-held device and data held by a second hand-held device within a short-range communication range of the first hand-held device; [and]

creating a log entry in accordance with the match ...”

as set forth in claim 1 (emphasis added).

As another example, Robertson fails to disclose, teach, or suggest:

“A hand-held apparatus ...

wherein the processor, in accordance with the program code, is configured to:

... determine a match between the received data and data held by a hand-held apparatus within a short-range communication range; [and]

create a log entry in accordance with the match ...”

as set forth in claim 48 as amended herewith (emphasis added).

As a further example, Robertson fails to disclose, teach, or suggest:

“A hand-held apparatus, comprising ...

hardware means for determining a match between the received data and data held by a hand-held apparatus within a short-range communication range; [and]

hardware means for creating a log entry in accordance with the match ...”

as set forth in claim 95 as amended herewith (emphasis added).

As an additional example, Robertson fails to disclose, teach, or suggest:

“A hand-held apparatus ...

wherein the processor, in accordance with the program code, is configured to:

determine a match between received data and data held by a hand-held apparatus within a short-range communication range, wherein the received data includes at least an identifier for data held by the hand-held apparatus within the short-range communication range; [and]

create a log entry in accordance with the match ...”

as set forth in claim 96 as amended herewith (emphasis added).

The Office Action, apparently equating the hand-held devices of the pending claims with the PIMs of Robertson and the data of the pending claims with the user information and PIM database 390 of Robertson, apparently contends that the above-quoted of the claims would have been obvious in view of Robertson, the Office Action stating that:

“[t]he Office Action merely contends that each PIM is able to synchronize its data with the data in the server, as stated in the Office Action and taught by Robertson, not that each PIM come to possess the entire contents of the server database. Therefore, since Robertson teaches that each PIM includes its own software and is capable of performing data management and synchronization functions in order to synchronize its data with the data held on the server (Robertson; col. 4, lines 57-60; col. 5, lines 42-65), the Office Action asserts that it would have been obvious that the matching functionality could be performed at the PIM via the PIM software in order to ease the workload on the server and distribute the system functionality” (see Office Action p. 12; emphasis added).

However, even taking such equations to be valid for the sake of argument, Applicants respectfully disagree with the Office Action’s apparent assertion that the above-quoted of the claims would have been obvious in view of Robertson for at least the reason that if a PIM only possesses and synchronizes with a server its own user information and PIM database 390 then it would not determine a match with user information and PIM database 390 of another PIM.

In view of at least the foregoing, Applicants respectfully submit that claims 1, 48, 95, and 96 at least with the amendments herewith, as well as those claims that depend therefrom, are in condition for allowance.

III. Dependent Claims

Applicants do not believe it is necessary at this time to further address the rejections of the dependent claims as Applicants believe that the foregoing places the independent claims in condition for allowance. Applicants, however, reserve the right to further address those rejections in the future should such a response be deemed necessary and appropriate.

(Continued on next page)

CONCLUSION

Applicants respectfully submit that this application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

AUTHORIZATION

The Commissioner is hereby authorized to charge any fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4121US1.

Furthermore, in the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account and Order No.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: October 20, 2008

By:



Angus R. Gill
Registration No. 51,133

Mailing Address:
MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, New York 10281-2101
(212) 415-8700
(212) 415-8701 (Fax)